

FILED IN MY OFFICE  
SECOND JUDICIAL DISTRICT COURT  
BERNALILLO COUNTY, NM  
JAMES A. NOEL

10/12/2018 2:07 PM  
Brittany Tso

*Summons Issued*

STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO

MESHA GERKEN,  
Plaintiffs Pro Se

VS  
ALBUQUERQUE POLICE DEPARTMENT;  
OFFICER WILLIAM YOUNG,  
OFFICER L. MONTE,  
OFFICER S. LOWELL,  
OFFICER L. HERNANDEZ,  
OFFICER JUAN CABRERA, APPROVING OFFICER  
OFFICER MIKE GEIER, CHIEF OF POLICE  
Defendants,

CASE# D- CV 2018 07 47 4

**CIVIL COMPLAINT FOR DAMAGES**

COMES NOW before the Court, Plaintiff Pro Se, MESHA GERKEN, humbly requesting righteous restitution and subrogation for damages and suffering incurred due to the actions and choices participated in by Officers William Young, L. Monte, S. Lowell, L. Hernandez, Juan Cabrera and Chief Geler.

As the documented record shows, on 10-12-2015, an unsolicited act of "ROAD RAGE" perpetrated against the Plaintiff and her children by an assailant, one DOMINIC CHARLES MILES, led to the ASSAULT AND BATTERY WITH GREAT BODILY HARM of a minor, BRENDAN STARKEY, only son of the Plaintiff MESHA GERKEN.

APD's refusal to perform their duties completely and effectively has left the family vulnerable to further assaults, abuse and harassment from DOMINIC CHARLES MILES and his associates.

The Plaintiff levies the following charges of NEGLECT, DERELICTION OF DUTY, LACK OF ADEQUATE OVERSIGHT, DISCRIMINATION and DENIAL OF CIVIL RIGHTS against Albuquerque Police Department and its Leadership:

1. Incident No: 152850786, Case # 150094254- As the documented record shows, on 10-12-2015, at or about 3:15pm an unsolicited act of "ROAD RAGE" perpetrated against the Plaintiff and her children by an assailant, one DOMINIC CHARLES MILES, leads to the ASSAULT AND BATTERY WITH GREAT BODILY HARM of a minor, BRENDAN STARKEY, only son of the Plaintiff. Attending Officers were William Young, L. Monte, S. Lowell and L. Hernandez.

DEFENDANT'S  
EXHIBIT  
A

2. When police arrived on scene, two individuals were observed by police to have blood on them and appeared to be wounded- BRENDAN STARKEY and DOMINIC CHARLES MILES.
3. One individual, a 16 year old minor, BRENDAN STARKEY, was one of these individuals. When asked about the injury, the minor stated to the officer that his injuries were caused by an UNWARRANTED AND UNSOLICITED AMBUSH ATTACK by an adult, one DOMINIC CHARLES MILES.
4. Assailant further volitionally confesses to police that he left the scene of the crime, returned to his home and then reconnects with the Plaintiff and her family.
5. These claims were corroborated by juvenile victim's Mother, MESHA GERKEN, and his sister HEATHER STARKEY, parties to the assault.
6. When asked about the claim made by the juvenile, DOMINIC CHARLES MILES volitionally and without duress confessed on scene to the AGGRAVATED ASSAULT AND BATTERY OF A MINOR that yielded great bodily harm.
7. Police spoke to all parties involved, Emergency crews treated the injured and CSI was called out to investigate and collect evidence. In doing, Albuquerque Police Department (henceforth referred to as APD):
  - (a) Did not secure or ensure the immediate security, safety, health or well-being of the injured minor.
  - (b) Did not offer resources to victim or family in the moment or at any time there after for the trauma they had endured or for the psychiatric crisis that was currently ensuing for the victim and his family, all who are disabled and had told police they were currently diagnosed and suffering from Domestic Violence associated PTSD. At one point in time the Plaintiff, MESHA GERKEN, was viewed by police laying on the ground in crisis, after being told she may be arrested, and did nothing to help or to secure further assistance or services. They didn't even offer to call for a female officer or liaison.
  - (c) Mishandled evidence and/or inadequately and incompletely collected evidence.
  - (d) Misquoted and/or misreported witness and/or participant testimonies.
  - (e) DID NOT participate in any collection of data from either party that would have determined whether or not substance was a factor in the incident; even after the Plaintiff stated her concerns regarding the possibility of substance being a factor in the matter.
  - (f) Falsely reported alleged forensic "facts" observed on scene.
  - (g) FAILED to arrest an adult that CONFESSED to abusing a child, even after the child and his mother made complaint of abuse, blood was observed on the juvenile victim by the attending officer(s) and the offending adult confessed on scene to the abuse.
8. The report was filed inappropriately. When Plaintiff, MESHA GERKEN, sought out the report numerous times in the months after the incident and it was not available. When the Plaintiff reported subsequent attacks from the Defendant in 2016-18, police themselves were unable to find the report which made creating any follow up reports impossible. This left the victim BRENDAN STARKEY and his family- including MESHA GERKEN, HEATHER STARKEY and the victim's 71 year old grandmother NANCY COE-

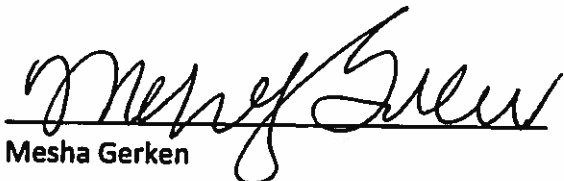
MUNSEY unfairly and abjectly vulnerable to continued aggressions from their assailant, DOMINIC CHARLES MILES, without any hope of protection or defense.

9. LACK OF OVERSIGHT: Officer Juan Cabrera is recorded on the reports as being the Approving Officer and oversight for Officers Lowell, Monte and Hernandez; the Chief is his oversight. Therefore, they too are responsible for neglect and a dereliction of duty as after reading the reports they signed off on them without any further contact or follow up with the juvenile victim or his family; it appears no one even once considered apprehending the self-confessed child abuser DOMINIC CHARLES MILES.
10. DISCRIMINATION: Plaintiff believes that there are elements of racism and gender bias in the case, on behalf of their assailant, DOMINIC CHARLES MILES, in his targeting of them. A discrimination that was openly ignored by police in their investigations and then re-perpetrated upon the Plaintiff and her family in the treatment they received from the police.

The Plaintiff, MESHA GERKEN, and her family humbly request audience with the Court to hear these facts and decide the appropriate movement forward on their requests for:

1. Necessary changes to APD policies regarding the processing of claims of abuse and assault against juveniles, especially when physical evidence such as blood, lacerations and/or lesions are present.
2. Subrogation for behavioral health bills directly associated with the incident of 10-12-2015, for BRENDAN STARKEY, HEATHER STARKEY, MESHA STARKEY and NANCY COE-MUNSEY.
3. Loss of Wages for BRENDAN STARKEY and MESHA GERKEN.
4. Punitive damages for pain and suffering for BRENDAN STARKEY, HEATHER STARKEY, MESHA GERKEN and NANCY COE-MUNSEY.
5. Any and all associated legal fees.
6. Any and all other relief the Court deems appropriate.

Respectfully submitted this 12 day of October, 2018 by Plaintiff Pro Se, Mesha Gerken for the Courts wise consideration. Thank You.



Mesha Gerken

9119 Central, NE #13

Albuquerque NM, 87123

505-974-9000

I, the undersigned, Mesha Gerken aka Mesha Starkey, certify on pain of perjury that the statements made herein are correct and true to the best of my knowledge and recollection.



**CERTIFICATE OF SERVICE**

The undersigned certifies that a complete and true copy of the foregoing document was sent to the Defendant, ALBUQUERQUE POLICE DEPARTMENT on or by 10/12/18 by standard USPS First Class mail at,

*Curbia Police Oversight Agency  
600 2nd NW, Room 813  
Albuquerque, NM 87102*

by



<b>STATE OF NEW MEXICO SUPPLEMENTAL REPORT</b>		<b>ORIG. OFFENSE DATE</b> 10-12-2015	<b>SUPP. DATE</b> 10-12-2015	<b>CASE NO.</b> 150094264	<b>INC. NO.</b> 152850788	<b>PAGE</b> 2	<b>OF</b> 2
<b>ORIGINAL OFFENSE REPORTED</b> 30-15-1 (F)		<b>ORIGINAL VICTIM'S NAME (LAST, FIRST, MIDDLE)</b> MILES DOMING				<b>DATE OF BIRTH</b> 880	
<b>LOCATION OF OCCURRENCE</b> 700 SAN MATEO SE		ALBUQUERQUE				87108	
<p>43 MONTE WAS TAKING PRIMARY ON THE CALL. OFFICER LOWELL STATED THAT HE HAD SPOKEN WITH  44 MS. MISHA STARKEY AND SHE ADVISED THAT MR. MILES HAD CUT HER VEHICLE OFF ON NUMEROUS  45 OCCASIONS WHILE THEY WERE TRAVELING WESTBOUND ON ZUNI BLVD SE FROM SAN PEDRO SE.  46 MS. STARKEY STATED WHEN HER VEHICLE CAME TO A STOP MR. MILES APPROACHED THE  47 PASSENGER SIDE OF HER VEHICLE AND PROCEEDED TO REACH IN THE VEHICLE AND PUNCH HER  48 SIXTEEN YEAR OLD SON BRANDAN. MS. STARKEY STATED THAT MR. MILES STARTED TO REACH  49 INSIDE OF HER VEHICLE AGAIN SO SHE HIT HIM WITH A PIPE WRENCH SHE HAD NEXT TO THE  50 STREET. MS. STARKEY STATED THAT SHE ATTEMPTED TO FOLLOW MR. MILES MOTORCYCLE SO  51 SHE COULD OBTAIN A LICENSE PLATE. MS. STARKEY ADVISED WHEN SHE SAW MR. MILES THE  52 SECOND TIME ON BELL SHE HAD GOTTEN INTO AN ARGUMENT WITH HIM. WHEN SHE ATTEMPTED TO  53 MOVE HER VAN, HER FOOT SLIPPED OFF OF THE BRAKE AND HIT THE GAS PEDAL, CAUSING THE  54 ACCIDENT.</p> <p>55</p> <p>56 AFTER OBTAINING THE STATEMENTS GIVEN FROM ALL PARTIES I PROCEEDED TO LOOK FOR ANY  57 PHYSICAL EVIDENCE ON SCENE. I OBSERVED THAT THE VAN WAS CURRENTLY ON THE SIDEWALK  58 AND THE MOTORCYCLE WAS DIRECTLY UNDERNEATH IT. THERE WERE VISIBLE YAW MARKS ON THE  59 STREET AND SCRAPING ON THE SIDEWALK HEADING IN A NORTHBOUND DIRECTION. FROM THE  60 PHYSICAL EVIDENCE IT APPEARED THAT THE MOTORCYCLE WAS HIT BY THE VAN DIRECTLY IN  61 FRONT OF THE SIDEWALK. THE VAN APPEARED TO TAKE A STRAIGHT PATH ONTO THE SIDEWALK.  62 NO BRAKING MARKS WERE OBSERVED ON THE STREET. TIRE MARKS FROM THE DRIVER SIDE OF  63 THE VAN WERE OBSERVED ON THE SIDEWALK TRAVELING APPROXIMATELY 7 FEET.</p> <p>64</p> <p>65 WHILE I WAS REVIEWING THE SCENE OFFICER L. MONTE CONDUCTED INTERVIEWS OF ALL PARTIES  66 INVOLVED, AND OBTAINED THE STATEMENT FROM A INDEPENDENT WITNESS. AFTER SPEAKING  67 WITH ALL PARTIES HE ADVISED THAT HE WOULD SUBMIT A CASE TO THE DISTRICT ATTORNEY FOR  68 REVIEW. NO ONE WAS ARRESTED ON SCENE. A FIELD INVESTIGATOR WAS CALLED TO THE SCENE  69 AND TOOK PHOTOGRAPHS. MEDICS WERE ALSO CALLED, AND MR. MILES AND MR. STARKEY WERE  70 TREATED AND RELEASED.</p>							

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67108

I then provided all the information the the investigating officer and uploaded my lapel video to Evidence.com  
The motorcycle was towed from the scene by Duggers towing to 7901 San Pedro NE.

Received Date: 02/04/2017



1 I was dispatched to the address reference a road rage/ battery call. Upon arrival contact was made with Officer Hernandez who advised that  
2 during a road rage type incident Mr. Miles struck the victim in the face. Hernandez stated that after that Ms. Gericeon struck Miles with a wrench  
3 causing a large laceration to the arm. Officer Hernandez advised that shortly afterwards the two came into contact again at the intersections of  
4 Bell SE and San Mateo SE where Ms. Gericeon Appeared to have run over the motorcycle belonging to Mr. Miles and the motorcycle was now  
5 under the listed van driven by Ms. Gericeon. Officer Hernandez asked that I photograph both the victim, Miles and the scene.  
6 The van driven by Gericeon was a 2004 silver van.

Received Date: 02/04/2017

FI SUPPLEMENT		1 VICTIM (PRINT-LAST, FIRST, MIDDLE)		2 LOCATION OF OCCURRENCE		3 CASE NO	
Sarkley		Brandon		700 San Miles SE		150094254	
6 APP. ASSIGNED		PROPERTY CODES		EVIDENCE INDICATOR SYSTEM		4 MOVERS	
7 QUAH		8 TYPE OF ITEM		9 AMMUNITION		5 MOVERS	
EVI		10 TYPE CODE		11 SERIAL NUMBER		6 MOVERS	
10 RCY		11 TYPE CODE		12 COLOR		7 MOVERS	
Y M		12 TYPE CODE		13 VALUE/RECOVERY VALUE		8 MOVERS	
EVI		13 TYPE CODE		14 MOVERS		9 MOVERS	
10 RCY		14 TYPE CODE		15 MOVERS		10 MOVERS	
Y M		15 TYPE CODE		16 MOVERS		11 MOVERS	
EVI		16 TYPE CODE		17 MOVERS		12 MOVERS	
10 RCY		17 TYPE CODE		18 MOVERS		13 MOVERS	
Y M		18 TYPE CODE		19 MOVERS		14 MOVERS	
EVI		19 TYPE CODE		20 MOVERS		15 MOVERS	
10 RCY		20 TYPE CODE		21 MOVERS		16 MOVERS	
Y M		21 TYPE CODE		22 MOVERS		17 MOVERS	
EVI		22 TYPE CODE		23 MOVERS		18 MOVERS	
10 RCY		23 TYPE CODE		24 MOVERS		19 MOVERS	
Y M		24 TYPE CODE		25 MOVERS		20 MOVERS	
EVI		25 TYPE CODE		26 MOVERS		21 MOVERS	
10 RCY		26 TYPE CODE		27 MOVERS		22 MOVERS	
Y M		27 TYPE CODE		28 MOVERS		23 MOVERS	
EVI		28 TYPE CODE		29 MOVERS		24 MOVERS	
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Y M		30 TYPE CODE		31 MOVERS		26 MOVERS	
EVI		31 TYPE CODE		32 MOVERS		27 MOVERS	
10 RCY		32 TYPE CODE		33 MOVERS		28 MOVERS	
Y M		33 TYPE CODE		34 MOVERS		29 MOVERS	
EVI		34 TYPE CODE		35 MOVERS		30 MOVERS	
10 RCY		35 TYPE CODE		36 MOVERS		31 MOVERS	
Y M		36 TYPE CODE		37 MOVERS		32 MOVERS	
EVI		37 TYPE CODE		38 MOVERS		33 MOVERS	
10 RCY		38 TYPE CODE		39 MOVERS		34 MOVERS	
Y M		39 TYPE CODE		40 MOVERS		35 MOVERS	
EVI		40 TYPE CODE		41 MOVERS		36 MOVERS	
10 RCY		41 TYPE CODE		42 MOVERS		37 MOVERS	
Y M		42 TYPE CODE		43 MOVERS		38 MOVERS	
EVI		43 TYPE CODE		44 MOVERS		39 MOVERS	
10 RCY		44 TYPE CODE		45 MOVERS		40 MOVERS	
Y M		45 TYPE CODE		46 MOVERS		41 MOVERS	
EVI		46 TYPE CODE		47 MOVERS		42 MOVERS	
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Y M		48 TYPE CODE		49 MOVERS		44 MOVERS	
EVI		49 TYPE CODE		50 MOVERS		45 MOVERS	
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Y M		51 TYPE CODE		52 MOVERS		47 MOVERS	
EVI		52 TYPE CODE		53 MOVERS		48 MOVERS	
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Y M		54 TYPE CODE		55 MOVERS		50 MOVERS	
EVI		55 TYPE CODE		56 MOVERS		51 MOVERS	
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Y M		57 TYPE CODE		58 MOVERS		53 MOVERS	
EVI		58 TYPE CODE		59 MOVERS		54 MOVERS	
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Y M		60 TYPE CODE		61 MOVERS		56 MOVERS	
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10 RCY		209 TYPE CODE		210 MOVERS		205 MOVERS	
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EVI		211 TYPE CODE		212 MOVERS		207 MOVERS	



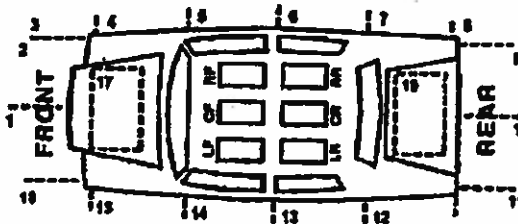
[illegible]

## ALBUQUERQUE POLICE DEPARTMENT TOW-IN REPORT

Make Kawasaki VIN [REDACTED]  
 Year 2013 License R 86630  
 Style MC State NM  
 Color white / blk Year Lic. 2016  
 Driver/Owner Miguel Ramirez Phone [REDACTED]  
 Address [REDACTED] 8721  
 Vehicle Damage

VEHICLE DAMAGE SEVERITY  
 (Enter Code in Vehicle Damage Area(s))  
 SEVERITY CODES: 1 Slight or minor-  
 2 Moderate- 3 Severe or Extreme.

18 Top  
 20 Undercarriage



## EVIDENCE

Hold on Car? Yes ☐ Reason \_\_\_\_\_  
 No ☒

Store Inside: Yes ☐ No ☒

Keys in Car? Yes ☒ No ☐

## Inventory of Vehicle

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby acknowledge receipt of above vehicle and property, in specified condition.

Wrecker Driver's Signature [Signature]  
 Wrecker Company Aggers Towing  
 Towed From San Mateo / Blvd Reason street  
 Towed To 2601 San Pedro NW  
 Officer Authorizing Tow L'Hernandez  
 Man # 7924 Date 10/13/16 Time 1800

Wrecker rates and service are regulated by the State Corporation Commission of New Mexico, P.E.R.A. Building, P.O. Drawer 1269, Santa Fe, New Mexico 87501. In the event you feel you have been overcharged, please bring it to the attention of the wrecker State Corporation Commission. Additional appeals are available regarding consumer complaints and towing justification through the Mayor's hearing officer, 400 Marquette NW 87102, if submitted in writing within the time limits set by ordinance.

## FORM DISTRIBUTION

WHITE - RECORDS, YELLOW - WRECKER, PINK - DRIVER/OWNER

PD 4012 (2/83)

1500 942.54  
 152850786

2015 OCT 19 AM 11:38